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February 12, 2018

**Via ECF**

Honorable Denis R. Hurley  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722-5704

**Re: Long Island Neurosurgical Associates, P.C. v. Highmark Blue Shield  
Docket No. 2-18-cv-00081 (DRH) (AYS)  
RESPONSE TO PLAINTIFF'S REQUEST TO AMEND THE COMPLAINT**

Dear Judge Hurley:

This office represents Defendant Highmark Blue Shield ("Highmark"). Please accept this letter in response to Plaintiff Long Island Neurosurgical Associates, P.C.'s ("Long Island Neuro") February 11, 2018 letter requesting to amend their Complaint.

At the outset, Highmark is compelled to address Long Island Neuro's assertions that Highmark "has declined to engage in settlement discussions" and that Highmark "had no intentions of engaging in said discussions." Without delving into the specifics of the settlement discussions between Highmark and Long Island Neuro, suffice it to say that Long Island Neuro's letter grossly mischaracterizes the nature of the settlement communications between the parties. I have had numerous conversations with counsel for Long Island Neuro over the past thirty days, and those conversations took place in good-faith with the ultimate goal of amicably resolving this matter.

More importantly, however, is that at no time during the past thirty days did counsel for Long Island Neuro indicate that they intended to file an Amended Complaint. Given that counsel for Long Island Neuro never raised the issue of amending their Complaint with Highmark (and never sought Highmark's consent with respect to their application to amend), Highmark lacks any information about what that amendment may look like. As such, and without further information about the basis for Long Island Neuro's proposed amendment, Highmark cannot weigh in on the substance of Long Island Neuro's request.

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On the basis of the foregoing, Highmark respectfully asks that Your Honor address Long Island Neuro's request to amend their Complaint in conjunction with Highmark's request for a pre-motion conference [Dkt. 8], wherein Highmark seeks Your Honor's permission to file a motion to dismiss Long Island Neuro's Complaint.

Respectfully submitted,

*/s/ Scott C. Hollander*

Scott C. Hollander

cc: Counsel of Record (via ECF)